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OFFICE OF PETITIONS

In re Application of :
Michael Y. Lai :
Application No. 10/674,364 : DECISION ON PETITION
Filed: September 29, 2003 :
Attorney Docket No. :
ITL1482US (P16116) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

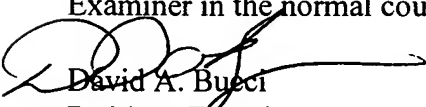
This application became abandoned for failure to reply in a timely manner to the final office action mailed May 02, 2007, which set a statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 03, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,540.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the final office action is accepted as having been intentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,050.00 extension of time fee submitted with the petition on November 26, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Thuy Pardo at (571) 272-6052 or in her absence, the undersigned at (571)272-7099.

This application is being referred to Technology Center AU 2192 for appropriate action by the Examiner in the normal course of business on the reply received


David A. Bucci
Petitions Examiner
Office of Petitions